

House of Representatives, March 26, 1998. The Committee on Planning and Development reported through REP. DAVIS, 50th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING VILLAGE DISTRICTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) The zoning commission of
2 each municipality may establish village districts
3 as part of the zoning regulations adopted under
4 section 8-2 of the general statutes, as amended.
5 The regulations establishing village districts
6 shall protect the rural character, landscape and
7 historic structures of such areas and may
8 regulate, on and after the effective date of such
9 regulations, (1) alterations and improvements in
10 such areas and (2) substantial reconstruction and
11 rehabilitation of properties within the district
12 and in view of public roadways, including, but not
13 limited to, (A) the design and placement of
14 buildings, (B) the maintenance of public views,
15 (C) the design, paving materials and placement of
16 public roadways and (D) other elements that the
17 commission deems appropriate to maintain and
18 protect the character of the village district. In
19 adopting the regulations, the commission shall
20 consider the design, relationship and
21 compatibility of structures, planting, signs,
22 roadways, street hardware and other objects in
23 public view. Such regulations shall encourage the

24 conversion and preservation of existing buildings
25 and sights in a manner that maintains the
26 historic, natural and community character of the
27 district. The regulations concerning the exterior
28 of structures or sites shall be consistent with
29 the "Connecticut Historical Commission -The
30 Secretary of the Interior's Standards for
31 Rehabilitation and Guidelines for Rehabilitating
32 Historic Buildings", revised through 1990, as
33 amended. The regulations shall provide (i) that
34 proposed buildings or modifications to existing
35 buildings be harmoniously related to their
36 surroundings, to the terrain and to the use, scale
37 and architecture of existing buildings in the
38 vicinity that have a functional or visual
39 relationship to a proposed building or
40 modification, (ii) that all spaces and structures
41 visible to the public from public roadways be
42 designed to add to the visual amenities of the
43 area consistent with those of the village district
44 in and around the proposed building or
45 modification, (iii) that the color, size, height,
46 proportion of openings, roof treatments, building
47 materials and landscaping of commercial or
48 residential property and any proposed signs and
49 lighting be evaluated for compatibility with the
50 local architectural motif and the maintenance of
51 views, historic buildings, monuments and
52 landscaping, and (iv) that the removal or
53 disruption of historic traditional or significant
54 structures or architectural elements shall be
55 minimized.

56 (b) All development in the village district
57 shall be designed to achieve the following
58 compatibility objectives with other uses within
59 the immediate neighborhood of the proposed
60 development: (1) The arrangement and orientation
61 of any proposed building or site improvement shall
62 be similar in the immediate neighborhood; (2) the
63 building and layout of buildings and parking lots
64 shall reinforce existing buildings and streetscape
65 patterns and the placement of buildings and
66 parking lots shall assure there is no adverse
67 impact on the immediate neighborhood; (3) proposed
68 streets shall be connected to the existing
69 neighborhood road network, wherever possible; (4)
70 open spaces of the proposed development shall
71 reinforce open space patterns of the immediate

72 neighborhood, in form and siting; (5) locally
73 significant features of the site such as
74 distinctive buildings or vistas, shall be
75 integrated into the site design; (6) the landscape
76 design shall complement the neighborhood's
77 landscape patterns and reinforce functional
78 qualities; (7) the exterior signs, site lighting
79 and accessory structures shall support a uniform
80 architectural theme and present a harmonious
81 relationship with the surrounding neighborhood;
82 and (8) the scale, proportions, massing and
83 detailing of the proposed building shall be in
84 proportion to the scale, proportion, massing and
85 detailing in the neighborhood.

86 (c) All applications for new construction and
87 substantial reconstruction within the district and
88 in view from public roadways shall be subject to
89 review and recommendation by an architect or
90 architectural firm selected and contracted by the
91 commission and designated as the village district
92 architectural consultant for such application. The
93 village district architectural consultant shall
94 review an application and report to the commission
95 within thirty-five days of receipt of the
96 application. The report and recommendation of the
97 village district architectural consultant shall be
98 entered into the public hearing record and
99 considered by the commission in making their
100 decision. Failure of the village district
101 architectural consultant to report within the
102 specified time shall not alter or delay any other
103 time limit imposed by the regulations. The
104 commission may seek the recommendations of any
105 town or regional agency or outside specialist with
106 which it consults, including, but not limited to,
107 the municipality's historical society, the
108 Connecticut Trust for Historic Preservation and
109 The University of Connecticut College of
110 Agriculture and Natural Resources. Any reports or
111 recommendations from such agencies or
112 organizations shall be entered into the public
113 hearing record.

114 (d) No decision of a commission under this
115 section shall be effective until a copy thereof,
116 certified by the commission, containing the name
117 of the owner of record, a description of the
118 premises to which it relates and specifying the
119 reasons for its decision, is recorded in the land

120 records of the town in which such premises are
121 located. The town clerk shall index the same in
122 the grantor's index under the name of the then
123 record owner and the record owner shall pay for
124 such recording.

125 (e) Each state agency, department or
126 institution undertaking a project impacting a
127 village district, including, but not limited to,
128 the construction, alteration or maintenance of
129 roadways and the erection, repair, modification or
130 demolition of structures shall consider the
131 provisions of the regulations established under
132 this section. Any municipality aggrieved by a
133 decision of a state agency, department or
134 institution under this subsection may appeal such
135 decision in accordance with section 4-183 of the
136 general statutes.

137 (f) As used in this section "neighborhood"
138 means the existing buildings and land uses
139 adjacent to and extending from a proposed
140 development to a definable boundary such as a
141 primary collector or arterial boundary, a
142 significant change in character or land use or a
143 major natural feature.

144 Sec. 2. This act shall take effect from its
145 passage.

146 PD COMMITTEE VOTE: YEA 19 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5487

STATE IMPACT	Indeterminate, see explanation below
MUNICIPAL IMPACT	Potential Minimal Cost, Within Resources, see explanation below
STATE AGENCY(S)	Department of Transportation, Department of Public Works, Various

EXPLANATION OF ESTIMATES:

STATE IMPACT: Passage of this bill could result in costs to the Department of Transportation, Public Works and any state agency or institution involved in land use or construction projects.

The appeal process under Section 1(e) of the bill has the potential for delaying project schedules; thereby increasing project costs. Such appeals could also increase legal costs. Moreover, if federal funds are obligated to the affected projects, due to time constraints imposed by the federal government, the Department of Transportation (DOT) could lose federal funding. Costs resulting from the appeal process are, however, indeterminate.

MUNICIPAL IMPACT: Since the provisions of this legislation are discretionary, any increase in costs to municipalities due to establishment of regulations concerning village districts and the ensuing regulation of such districts, is anticipated to be handled within existing municipal resources.

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OLR BILL ANALYSIS

sHB 5487

AN ACT CONCERNING VILLAGE DISTRICTS

SUMMARY: This bill allows zoning commissions to establish regulations to protect the rural character, landscape, and historic structures of village districts. It specifies the scope of these regulations and requires that all development in the district be designed to be compatible with other uses in the immediate neighborhood of the proposed development. It requires that all applications for new construction and substantial reconstruction in the district that is visible from the road be subject to review by an architect selected by the commission.

The bill requires that a copy of the commission's decision on applications under these provisions be recorded in the town's land records before it goes into effect. The record must include a copy of the decision identifying the owners of the property, its description, and the reasons for the decision. The town clerk must index the record in the grantor's index under the name of the owner, who must pay for the recording.

Under the bill, each state agency undertaking a project that affects a district must consider the provisions of the regulations. These projects include road construction, alteration, and maintenance, and the erection, repair, modification or demolition of structures. If the municipality is aggrieved by the agency's action, it may appeal the decision to the Superior Court.

EFFECTIVE DATE: Upon passage

FURTHER EXPLANATION**Zoning Regulations**

Under the bill, the zoning commission may regulate alterations and improvements in the district and substantial reconstruction and rehabilitation of properties in the district visible from the road. The

regulations can cover: (1) the design and placement of buildings; (2) the maintenance of public views; (3) the design, paving materials, and placement of public roads; and (4) other elements the zoning commission considers appropriate to maintain and protect the district's character. The regulations must encourage the conversion and preservation of existing buildings and sites to maintain the historic, natural, and community character of the district. A regulation applies to developments that are proposed on or after its effective date.

In adopting the regulations, the commission must consider the design, relationship, and compatibility of objects in public view. These include structures, plantings, signs, roads, and street hardware (e.g. streetlights). The provisions dealing with the exterior of structures and sites must be consistent with guidelines published by the Connecticut Historical Commission.

The regulations must provide that:

1. proposed buildings and modifications to existing buildings be harmonious with their surroundings and their terrain, and to the use, scale, and architecture of nearby buildings to which they are functionally or visually related;
2. spaces and structures visible from the road be designed to enhance the visual amenities in the area around the proposed building or modification;
3. the characteristics of residential or commercial property, such as its color and materials, be evaluated for their compatibility with the local architectural motif, and the maintenance of views, historic buildings, monuments, and landscaping; and
4. removal or disruption to historic, traditional, or significant structures or architectural elements be minimized.

Computability with Other Uses

Under the bill, all development in the district must be designed to meet the following objectives with regard to other uses in the neighborhood:

1. The arrangement and orientation of any proposed building or site improvement must be similar to those in the immediate neighborhood, which is the area defined by such things as major roads, a significant change in character or land use, or a major natural feature.
2. The layout and construction of buildings and parking lots must reinforce existing building and streetscape patterns to ensure that there is no harm to the neighborhood.
3. Proposed streets must be connected to existing ones where possible.
4. Open spaces in the proposed development must reinforce the form and siting of existing open spaces in the neighborhood.
5. Distinctive buildings and vistas are of local significance must be integrated into the site's design.
6. The landscape design must complement existing patterns and reinforce their functional qualities.
7. The exterior signs, lighting, and accessory structures must support a uniform architectural theme and present a harmonious relationship to the neighborhood.
8. The scale, proportions, massing, and detailing of the proposed building must be in proportion to those of its neighbors.

Architectural Review

The bill subjects all applications for new construction and substantial reconstruction in the district that is visible from the road to architectural review. The application must reviewed by an architect or architectural firm contracted by the commission and

designated as the district's consultant for the application. The consultant must review the application and submit its recommendations to the commission within 35 days of the commission's receipt of the application. The consultant's report must be entered into the public hearing record and the commission must consider it in making its decision. However, the consultant's failure to report on time does not affect any other time limit imposed by the zoning regulations. The commission can also seek the recommendations of other bodies, such as the municipal historical society, the Connecticut Trust for Historic Preservation, and the College of Agriculture and Natural Resources at UConn. Any reports or recommendations from these bodies must also be included in the public hearing record.

BACKGROUND

Related Bill

SHB 5485, also favorably reported by the Planning and Development Committee, is the same as this bill except it does not contain the provisions concerning state agency projects.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute
Yea 19 Nay 0